RECOMMENDED POLICIES

Common Topics for Library Policies

The long experience of public libraries results in some common topics that trustees should review.   The American Library Association Website http://www.ala.org, includes text of many policies that may be viewed as examples. See page 15.3-15.4 for a partial list. Every library does not necessarily need every policy, and vice versa, the board may wish to adopt policies not on this list. This list is adapted from the *Utah Public Library Trustee Handbook.*

I. Mission and Role Statement

II. Library Board Bylaws

III. Public Service or User Related Policies

A. Eligibility for borrowing and services
1. Resident and non-resident
2. Interlibrary loan
3. Programming and outreach
4. Inappropriate behaviors of library customers

B. Collection development policy
1. Mission and goals with community description
2. Responsibility for selection
3. Selection criteria for each format
4. Scope of collection and priorities
5. Selection procedures and vendor relations
6. Evaluation, weeding, and maintenance
7. Censorship, access, and challenged materials procedure
8. Intellectual Freedom Statement, Library Bill of Rights
9. Gifts and donations

C. Circulation policy
1. Loan period and renewal
2. Confidentiality
3. Reserved materials
4. Fines, damages
5. Special collections
6. Audiovisual equipment

D. Reference policy

E. Facilities policy
1. Hours of operation
2. *Americans with Disabilities Act* compliance
3. Security
4. Meeting room use
5. Exhibits and displays
6. Photocopier and other equipment use

     F. <u>Community relations policy</u>
       1. Cooperative borrowing agreements
       2. Relations with schools
       3. Public relations
       4. Volunteers
       5. Friends group

   IV. Management Policies
     (Note: Optional Municipal Code City libraries will usually follow city-established management policies and practices.)

     A. <u>General</u>
       1. Responsibility and authority
       2. Budgeting and fiscal controls

     B. <u>Personnel</u>
       1. Responsibilities and authority
       2. Job descriptions and classification
       3. Salaries and benefits
       4. Hours, sick leave, overtime, holidays, and vacation
       5. Hiring and termination
       6. Performance evaluation and promotion
       7. Continuing education and professional development
       8. Discipline and grievances
       9. Compliance with laws such as Americans with Disabilities Act, sexual harassment, whistleblower protection
       10. Right to organize
       11. Political activity

     C. <u>Facilities</u>
       1. Responsibility and procedures for maintenance
       2. Acquisition and ownership
       3. Insurance and liability
       4. Emergency preparedness
       5. Use of equipment, vehicles, etc.

Intellectual Freedom Policy

Organizations such as the American Library Association and the Washington Library Association have adopted some statements that provide a common philosophical basis for many library policies.

The American Library Association *Library Bill of Rights* is one example of a universally adopted policy. The American Library Association has also adopted *Interpretations of the Library Bill of Rights*. Text of these ALA documents is available in print and via the Internet at http://www.ala.org.

LIBRARY BILL OF RIGHTS
American Library Association Council, Adopted June 18, 1948.
Amended February 2, 1961, and January 23, 1980, Inclusion of "age" reaffirmed January 23, 1996

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I.   Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II.   Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III.   Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV.   Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V.   A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI.   Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

The interpretations of the Library Bill of Rights currently include:
- *Access to Electronic Information, Services, and Networks*

- *Questions and Answers: Access to Electronic Information, Services and Networks*

- *Access to Library Resources and Services Regardless of Gender or Sexual Orientation*

- *Collection Development*

- *Diversity in Collection Development*

- *Free Access to Libraries for Minors*

- *Freedom to View*

- *Restricted Access to Library Materials*

- *Access for Children and Young People to Videotapes and Other Nonprint Formats*

- *Economic Barriers to Information Access*

- *Evaluating Library Collections*

- *Exhibit Spaces and Bulletin Boards*

- *Expurgation of Library Materials*

- *Library Initiated Programs as a Resource*

- *Meeting Rooms*

- *Policy on Confidentiality of Library Records*

- *Challenged Materials*

- *Guidelines for the Development of Policies Regarding User Behavior and Library Usage*

- *Access to Resources and Services in the School Library Media Program*

- *Statement on Labeling*

- *The Universal Right to Free Expression*

Some other American Library Association policies, procedures, resolutions, and guidelines protecting the freedom to read include the following:
- *Freedom to Read Statement*

- *Dealing with Concerns about Library Resources*

- *Guidelines for the Development and Implementation of Policies, Regulations and Procedures Affecting Access to Library Materials, Services and Facilities*

- *Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage*

- *Policy Concerning Confidentiality of Personally Identifiable Information about Library Users*

- *Policy on Confidentiality of Library Records*

- *Suggested Procedures for Implementing Policy on Confidentiality of Library Records*

- *Policy on Governmental Intimidation*

- *Resolution on Access to the Use of Libraries and Information by Individuals with Physical or Mental Impairment*

FREEDOM TO READ STATEMENT

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.   Adopted June 25, 1953; revised January 28, 1972, January 16, 1991, July 12, 2000, by the ALA Council and the AAP Freedom to Read Committee.

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to avoid the subversion of politics and the corruption of morals. We, as citizens devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read. Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary citizen, by exercising critical judgment, will accept the good and reject the bad. The censors, public and private, assume that they should determine what is good and what is bad for their fellow citizens.

We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they need the help of censors to assist them in this task. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read.

We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings. The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox or unpopular with the majority.*

    Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

    Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

    No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

    To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared.

In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept with any expression the prejudgment of a label characterizing it or its author as subversive or dangerous.*

   The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for the citizen. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large.*

   It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

   The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all citizens the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

COPYRIGHT POLICY

> "The primary objective of copyright is not to reward the labor of authors,
> but to promote the Progress of Science and useful Arts. To this end,
> copyright assures authors the right to their original expression, but
> encourages others to build freely upon the ideas and information conveyed
> by a work. This result is neither unfair nor unfortunate. It is the means by
> which copyright advances the progress of science and art."
> *Justice Sandra Day O'Connor*

This quote from Supreme Court Justice O'Connor hints at the complexities of "intellectual property" and the copyright law that is established in the Constitution of the United States. The law (P.L. 94-553, U.S. 90. Stat 2541) extends certain rights and benefits as well as obligations to public libraries. The Digital Millenium Copyright Act is the newest federal legislation impacting libraries and particularly their use of Web pages. It amends section 512 of the copyright Act, enacted November 3, 1998.

Fair Use

The concept of "fair use" greatly benefits public library users. Fair use allows public libraries to reproduce, within certain limitations, a single copy of an article or part of a publication. The factors that must be weighed in order to determine whether fair use is being appropriately applied include:

- Purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes.

- Nature of the copyrighted work.

- Amount and substantiality of the portion used in relation to the copyrighted work as a whole.

- Effect of the use upon the potential market for or value of the copyrighted work.

Permission must be obtained from the author or the publisher, or there is usually the option to pay a royalty fee to reproduce multiple copies of articles or to reproduce more of a copyrighted work than the four fair use factors allow.

Copyright Symbol and Public Domain

For materials published after 1989 neither copyright notice nor the copyright symbol © is required. Libraries need to assume that an item is copyright protected and follow the appropriate rules and procedures even with titles that would seem to be in public domain.   Recent legislation significantly extended the number of years of copyright protection. A chart "When Works Pass into the Public Domain" can be found at http://www.unc.edu/~unclng/public-d.htm Although most federal government publications are not copyright protected, there are a number that were produced by contractors and they maintain copyright.

Internet and Copyright

The Internet introduces another layer of complications, but the essence of copyright law still applies. Materials may not be duplicated nor forwarded on the Internet unless the author or publisher gives permission. The Digital Millennium Copyright Act makes the library responsible if unauthorized material appears on their Website or links to another site that includes unauthorized use of copyrighted material.

Copyright Obligations

Public libraries must comply with copyright law in many ways. Following are some of the obligations that should be addressed in copyright policy:

- Libraries will notify their users and staff of rights and obligations by attaching clearly visible copyright statements on or next to any duplicating equipment such as library photocopiers, fax machines, scanners, and computer printers.

- Library requests for interlibrary loans, as well as their response to the requests of other libraries to loan or duplicate materials, will comply with copyright law and guidelines.

- Historical archives deposited in the library, including manuscripts, letters, recordings or photos, will have permission statements on file before the item can be published in a book or magazine, or digitized and published on the Web.

- A notice of copyright will be stamped or appended to any reproduction made by the library, including material forwarded on the Internet. Copies of a journal article must include the journal's copyright notice, or if it does not appear, then the copyright notice can be stamped on the reproduction.

- Libraries will ensure that their Web page will not include nor link to materials without obtaining permission. A library Web page needs to include the name of the officially registered agent who will handle copyright complaints.

- Videos or TV broadcasts will not be duplicated for the library collection, nor will titles purchased by the library be used in a public performance unless a performance license was also purchased.

RESOURCES

Books and Periodicals

Crews, Kenneth D. with Contributions from Dwayne K. Buttler and others. *Copyright Essentials for Librarians and Educators.* American Library Association, 2000.

Gasaway, Laura N. and Sarah K. Wiant. *Libraries and Copyright: A Guide to Copyright Law in the 1990's.* Special Libraries Association, 1994. (Note: Does not include the Digital Millenium Copyright Act)

Gasaway, Laura N. Editor.   "Libraries and Copyright" in *Growing Pains: Adapting copyright for Libraries, Education, and Society*. F.B. Rothman, 1997.

Internet Websites

Copyright Office. Library of Congress.
101 Independence Avenue, S.E.,
Washington, D.C. 20559-6000
Public Information Office 202-707-3000
http://www.loc.gov/copyright
> The Copyright Office Website makes available all copyright registration forms, many in fill-in format; all informational circulars; the Register's testimony; announcements; general copyright information; and links to related resources. The Website also provides a means of searching copyright registrations and recorded documents from 1978 forward. Print publications can be ordered.

Copyright Management Center
Indiana University-Purdue University Indianapolis.
http://www.iupui.edu/~copyinfo/
> This website provides access to a wide variety of resources about copyright in general and its importance to higher education, including a variety of other pages dealing with the subject of copyright.

Copyright Clearance Center
222 Rosewood Drive
Danvers, MA 01923
978-750-8400
http://www.copyright.com
> Copyright Clearance Center (CCC) was established by authors, publishers and users as the not-for-profit Reproduction Rights Organization (RRO) for the United States. CCC operates licensing systems that facilitate compliance with copyright law and promote the constitutional purposes of copyright, namely progress and creativity in the arts and sciences.

INTERNET POLICY

The Internet is a rich resource for information, ideas, education, and entertainment. It's also a resource that compels library boards to be prepared for possible challenges. Addressing potential issues before challenges occur gives the board time to research and consider the literature, evaluate the experience of other libraries, and arrive at a board consensus. The Internet policy should link to other library policies that address intellectual freedom, collection development, and children's access to materials. In municipal libraries the board should forward their Internet policy, accompanied by background information, to the city council so everyone has the opportunity to discuss issues and agree on the ground rules.

Can the library be sued for its Internet access policy and related procedures? Yes, there have been a number of judicial cases. For example, on June 26, 1997 the U.S. Supreme Court affirmed that the library use of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities. The library should have legal counsel review the proposed Internet policy to assure that it meets federal and state laws.

Library board members should carefully monitor the current status of legislation and judicial decisions that may impact the library. For example, the Children's Internet Protection Act (CIPA) and the Neighborhood Internet Protection Act (NCIPA) went into effect on April 20, 2001. These laws place restrictions on the use of funding that is available through the Library Services and Technology Act, Title III of the Elementary and Secondary Education Act, and on the Universal Service discount program known as the E-rate (Public Law 106-554). These restrictions take the form of requirements for Internet safety policies and technology that blocks or filters certain material from being accessed through the Internet. The laws certainly will be tested in court.

Suggested Content of an Internet Policy

There are many resources to draw on when creating or reviewing Internet policy. Two resources that were integral in composing this chapter were *Developing Computer and Internet Policies for Public Libraries* published by The Bill and Melinda Gates Foundation and the fact sheets, tool kits and policy statements published by the American Library Association and its divisions.

Many libraries require users to read their Internet policy and sign a print or Website agreement before they may use library computers.

There are a number of topics that should be addressed in an Internet policy:

- Relate how the **Internet resource is consistent with the library mission** and how it correlates with adopted policies on intellectual freedom, collection development, customer rights and responsibilities, and children's access to library materials.

- State that the **library is not responsible for Internet content, reliability, accuracy, currency or bias.** Nor does the library endorse or sanction controversial, offensive material found on the Internet.

- Note **the value of the Internet resources in adding to the total library capabilities**. Identify actions the library will take to link to sites, especially for children, that support the library role.

- Emphasize that **library staff will recommend and assist users** just as they do with all other library resources. Note if library will provide Internet training classes.

- Support the **Constitutional First Amendment rights of adults and children** and emphasize the responsibility of the library to meet the diverse needs and interests of the community.

- Recognize the **rights and responsibilities of parents to guide their children** in using all library resources including the Internet. Determine whether age limitations will be established or if a parental permission form will be offered.

- **Define illegal Internet use**, particularly accessing sites containing legally obscene materials. **Define ethical use** on the part of library users, such as being mindful of materials that may not be legally obscene but may be offensive to other library customers if they should view the monitor screen.

- Explain the **library position on filtering**. If the library uses a filter, make clear that no filtering software is 100 percent effective. Some offensive material may still be accessed, and some appropriate sites may be blocked.

- Address library **efforts to protect users privacy and confidentiality**. Note that there are security issues that customers must monitor for themselves, such as sending personal information on the Internet, or logging off properly so Web browsers erase the list of visited sites.

- Establish that the library **cannot guarantee access to a site**. Internet addresses and sites change constantly and technical difficulties may also intervene.

- Emphasize that **copyright laws are applicable to the Internet** and the user is responsible for consequences of copyright infringement. Users should assume that material is copyrighted and federal copyright law must be respected unless permission to copy is included on the site. Users may not reprint or distribute without permission of the author.

- Note that the library director will **establish operational procures** such as:
    Time limits and reservation procedures
    Copying files to a disk, and the fee for purchasing disks.
    Access to e-mail, listservs, or online chats
    Printing regulations and fees
    Requiring immediate reporting of difficulties to staff
    Other, as appropriate to the library

- Note that the library director will also **list prohibited behaviors** such as:
    Accessing sites containing illegal material.
    Unauthorized copying of material protected by federal copyright laws.
    Fraudulent or unlawful purposes prohibited by federal, state, or local laws.
    Violating software license agreements made by the library.
    Violating network usage policies and agreements.
    Hacking or impeding computing activities of others.
    Violating another user's privacy.
    Harassing, libeling, or slandering individuals.
    Damaging equipment, software or data belonging to the library or others.
    Changing equipment or software settings.
    Installing other software programs.
    Establishing commercial activities including sale or purchase of goods.

- **Identify the consequences** if a patron purposely breaches policy. The consequences may begin with a warning and progress to denying access to the computers, denying access to the library, or legal proceedings.

What About Internet Filters?
There are two basic types of filters. They either block disapproved words or block access to specific sites that are on a disapproved list. At this time neither can be expected to be 100 percent effective. Currently, most commercial Web filters use "denial lists" of unapproved sites to prevent access.

As noted above, the U.S. Supreme Court affirmed in 1997 that the library use of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities. A number of court cases, such as the one currently addressing CIPA, will continue to define acceptable practices.

The ALA Website is one resource for monitoring legislative or judicial actions relating to filters and the Internet.

Commercial providers of software filters have treated their criteria for blocking either words or sites as trade secrets, making it difficult for libraries to determine whether the filter is going to block resources that are useful to their diverse community.

Word filters are most often used to screen e-mail and chat room messages by looking for "bad" words. Some filters can be set to forward the block to a system administrator for review. Sometimes the user may be sent a message that the site has been blocked.

Establish a Library Plan to Manage the Internet

The library board should not only adopt an Internet policy, it should consider how it will manage the Internet and educate its diverse customers so they have realistic assumptions and expectations about the Internet.

The following recommendations are quoted from *Children and the Internet: Guidelines for Developing Public Library Policy* published in 1998 by the Association for Library Trustees and Advocates, Association for Library Service to Children, and Public Library Association, divisions of the American Library Association.

- Have Internet access policies in place that speak to access for all. Distribute policies widely including with other parental information.

- Provide a code of conduct or etiquette guide for using the Internet at your library. Include specific do's and don'ts.

- Develop Websites for children and young adults that link to material especially recommended for them.

- Teach children how to use the Internet and to be critical users of information.

- Provide opportunities for parents and children to learn together.

- Use privacy screens or position terminals to prevent viewing by staff or other library users.

- Consider putting time, place and manner restrictions on the use of a terminal.

- Provide an open forum for community discussions about the Internet. Invite community groups to participate.

- Share best practices and best solutions with your colleagues.

- Communicate clearly that parents are responsible for what their children see online.

RESOURCES

The Bill & Melinda Gates Foundation published *Developing Computer and Internet Policies for Public Libraries* and has updated it regularly. In addition to discussing the elements of Internet policies it includes an extensive bibliography and samples of policies, forms, and signage. The publication is available from the Bill & Melinda Gates Foundation, 1551 Eastlake Avenue East, Seattle, WA 98102-3706.

Many libraries post their Internet and related policies on their World Wide Websites.

The American Library Association publishes many documents, fact sheets, tips, and other resources. They are available in print and many can be read on the http://www.ala.org. Some of the titles that are available on line include:

- *Libraries & the Internet Toolkit*

- *Tips and Guidance for Managing and Communicating About the Internet*

- *Access to Electronic Information, Services, and Networks: An Interpretation of the Library Bill of Rights*

- *Guidelines and Considerations for Developing a Public Library Internet Use Policy.*

A key source for keeping up-to-date with proposed Internet or other national legislation as well as court decisions impacting libraries is the ALA Washington Office e-mail list.

RESOLUTION ON THE USE OF FILTERING SOFTWARE IN LIBRARIES
Adopted by the American Library Association Council, July 2, 1997

WHEREAS, On June 26, 1997, the United States Supreme Court issued a sweeping re-affirmation of core First Amendment principles and held that communications over the Internet deserve the highest level of Constitutional protection; and

WHEREAS, The Court's most fundamental holding is that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox"; and

WHEREAS, For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves; and

WHEREAS, The Court's conclusion that "the vast democratic forum of the Internet" merit full constitutional protection will also serve to protect libraries that provide their patrons with access to the Internet; and

WHEREAS, The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them; and

WHEREAS, The Supreme Court's decision will protect that access; and

WHEREAS, The use in libraries of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities; now, therefore, be it

RESOLVED, That the American Library Association affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights.

EXAMPLE INTERNET POLICIES

AMES PUBLIC LIBRARY INTERNET USE POLICY

Approved by the Ames Public Library Board of Trustees 6/19/96 – Revised: 12/99

The Ames Public Library recognizes that within the Ames community there are groups and individuals with diverse interests, backgrounds and needs. The Library further recognizes and emphasizes that the public library is an institution of a democratic society and was established to serve all of the people in a community.

Electronic information and networking is a new and very rapidly developing area of public and private activity. The Library recognizes that these developments pose new challenges as well as new opportunities for the library board, the library staff, and library users and their families. The Library believes that these challenges and opportunities are best addressed by adherence to the fundamental principles of traditional library use and the principles of a free society. These new methods of receiving information do not change the mission of the Ames Public Library, which is to provide equal access to information, materials, and services within an environment that welcomes interaction and personal enrichment for all the people of our community.

Responsibilities of the Library

Congress and the courts have recognized that there is no single organization to govern, control, or select information for the Internet. Because of this freedom of information, the breadth of information on the Internet, the unstructured and unregulated nature of the Internet, and the unreliable state of filtering, the Ames Public Library cannot control the content of resources available on the Internet.

Library staff will apply the selection criteria outlined in the library's "Materials Selection" policy to provide access to a broad range of World Wide Web resources through the library's homepage. The Ames Public Library homepage is designed to offer easy and convenient access to valuable local, national, and international sources of information.

Access

The Library does not select the material on the Internet and has no means or statutory authority to assure that only constitutionally protected material is available on the Internet. That authority to determine what is illegal (obscene) content rests with the Story County Attorney or the Iowa Attorney General. (Sec. 728.6, <u>Code of Iowa</u>).

As stated in the American Library Association's Resolution on the Use of Filtering Software in Libraries (adopted by Ames Public Library Board of Trustees, 11/97)". . . the use of filtering software to block access to constitutionally protected speech violates the Library Bill of Rights"; therefore, the Ames Public Library will not impose blocking or filtering software to limit access to Internet sites. However, on all Internet terminals the Library will provide users with the option of using search engines or mechanisms that provide access only to pre-selected sites. This option is intended to assist all patrons in meeting their special interests and/or their personal values.

Confidentiality

Ames Public Library upholds the right of confidentiality and privacy for all library users. In order to protect the privacy of the user and the interests of other library patrons, the Library will manage access to the Internet by the use of privacy screens, judicious placement of the terminals, and other appropriate means.

Users are urged to respect the sensibilities of others when accessing information that may reasonably be offensive to someone else. However, absolute privacy for patrons using electronic resources in the Library cannot be guaranteed. There exists a possibility of inadvertent viewing by other patrons, either by watching the user's screen, or because a user may leave the screen unattended. The Library's "Conduct in the Library" policy applies to the behavior of patrons using electronic equipment and resources. Failure to follow this policy could result in revocation of library privileges.

Responsibilities of Users

The Internet is a global entity with a highly diverse user population and information content. Though the Internet provides users with a wide array of excellent information, it also contains information that may be inaccurate, outdated, or personally offensive. Library patrons use it at their own risk. A good information consumer evaluates the validity of information found. Use of Internet resources carries with it a responsibility to evaluate the quality of the information accessed.

The availability of information does not constitute endorsement of the content by the Ames Public Library.

Access, use, or dissemination of information via the Internet in the Library is the responsibility of the user. In the case of minors, it is a joint responsibility of the user and the parent or guardian.

Supervising Children's Use

The public library, unlike schools, does not serve in loco parentis (in place of a parent). Librarians cannot act in the place of parents in providing constant care and supervision of children as they explore the Internet. The responsibility for what minors read or view on the Internet rests with parents or guardians.

The following are recommended guidelines for parents and guardians to ensure that children have positive online experiences, whether at home or in the library.

- Use the Internet as a family. Join your children in Internet exploration.
- Explore the wide range of available information and tell your children about sites you consider inappropriate for them.
- Encourage children to use sites recommended on the Library's homepage and counsel them to avoid sites you consider unsuitable.
- Provide guidelines for your children on the amount of time they spend online, just as for television viewing.
- Instruct children NEVER to give out personal information (name, address, password, telephone number, credit card number) online.
- Teach children to be good online consumers. As with print information, consider the source, date, and accuracy of online information.

As it does with other library resources, the Library will provide training on electronic resources. It will also make information available to help parents and guardians in their efforts to exercise their rights and responsibilities regarding their own children's use of electronic resources.

SAN ANTIONIO PUBLIC LIBRARY INTERNET ACCEPTABLE USE POLICY
Adopted by the Board of Trustees of the San Antonio Public Library October 27, 1999

Purpose Statement

The San Antonio Public Library maintains a website and provides access to the Internet as one means of fulfilling its mission to "inform, educate, entertain, and culturally enrich by providing books and other library resources, facilities and professional services for use by all individuals…." [Mission Statement, approved by the Board of Trustees of the San Antonio Public Library on February 17,1988]. All Internet resources accessible through the Library are provided equally to all users, with the understanding that it is the individual user's responsibility to demonstrate judgment, respect for others, and appropriate conduct while using Public Library resources and facilities.

Internet computers will not be used for illegal activity, to access illegal materials, or to access materials which by local community standards would be obscene. Library employees are authorized to take prompt and appropriate actions to enforce the Rules of Conduct, and/or to prohibit use by persons who fail to comply with the Internet Acceptable Use Policy as stated or implied herein.

Optional Use of Filtered Search Engines

The San Antonio Public Library supports the right and responsibility of parents to direct use of the Internet by their own children, and provides convenient access to filtered search engines on all Internet terminals. Filtered search engines (which are not under the control of the Library) may restrict access to sites which could be deemed objectionable, but may also limit access to sites which have legitimate research value. No filtering system is completely effective or efficient. Access to filtered search engines has been provided, but Library staff will not require that children utilize Filtered Search Engines for their research.

Library-Developed Webpages

The staff of the San Antonio Public Library have developed a variety of webpages with recommended links in order to facilitate use of the Internet. Users should recognize, however, that the Library is not responsible for changes to the content of linked sites, nor for the content of sources accessed through subsequent links. Staff will provide assistance to Internet users to the extent that time and patron demands allow.

Rules Of Conduct

1. Internet computers will not be used for illegal activity, to access illegal materials, or to access materials which by local community standards would be obscene.

2. Library staff may limit use of computer equipment which has been purchased from grant funds, according to the terms or intent of the grant agreement.

3. Installation, downloading, or modification of software is prohibited.

4. or Library staff. Users will respect copyright laws and licensing agreements.

5. Users will not make any attempt to gain unauthorized access to restricted files or networks, or to damage or modify computer equipment or software.

6. Prompt payment is required by users who incur charges for printing or other authorized fees.

7. Users must sign up to use the Internet on a next-available-terminal basis. Terminals will not be "reserved" for persons who are not in the immediate vicinity when their name is called, and telephone reservations will not be taken.

8. Access sessions will be limited to thirty minutes, unless otherwise authorized by the Librarian in Charge.

9. Users must end their session and leave the terminal when asked to do so by authorized Library staff.

10. Upon completion of an Internet access session, a user may be required to wait 30 minutes before signing up for another session.

11. The number of access sessions available per day, per user, may be established by the Librarian in Charge: such limitations will be dependent on facility-specific demand in order to provide access for the majority of users.

12. Users will respect the privacy of other users, and will refrain from attempting to view or read material being used by others.

13. By mutual agreement, two persons may share one access session as long as their behavior or conversation does not disturb other users

Termination or Prohibition of User Access

Library employees are authorized to terminate any user's access session, or to prohibit a user from subsequent access sessions for up to two weeks from the date of informing the user of that action, given cause to believe that the user has failed to comply with the Internet Acceptable Use Policy and/or Rules.

Internet users whose access session has been terminated or prohibited will be given information concerning the process to protest the action and/or request that Internet access privileges be reinstated. Temporary or permanent denial of Internet privileges at any San Antonio Public Library facility will be effective at all San Antonio Public Library facilities.

ALACHUA COUNTY LIBRARY DISTRICT
The Internet @ Your Library

Internet Access
> The Alachua County Library District offers over 150 computers for Internet access to the community. To ensure equitable access to Internet Workstations for all library users, it is necessary to sign-up for Internet use during our busiest times. Sign-up times vary from library to library, please check our schedule for an accurate listing. Please use library computers responsibly and follow our rules for use.

Research Center
> Search our databases for full-text articles from magazines, newspapers, journals, and encyclopedias; also search for biographies; college catalogs and financial aid resources; business and company profiles; genealogy; location of print articles in our library; books and articles for interlibrary loan, and guidance on what book to read next.

ACLD Internet Access Policy
> The Alachua County Library District offers filtered and unfiltered access to the Internet in fulfillment of our mission to "collect, organize, and make accessible recreational, educational, informational and cultural resources to meet the changing needs of Alachua County residents of all ages, and cultural and economic backgrounds."* Access is offered equally to all users without charge.
>
> In providing public access to the Internet, the Alachua County Library District subscribes to the principles of intellectual freedom expressed in the American Library Association's LIBRARY BILL OF RIGHTS and FREEDOM TO READ statements and its interpretations of these documents. Library staff will not monitor, control, or restrict anyone's access to equipment or the range of information available within the limits of State and/or Federal law. Parents or designated guardians, who wish to limit or restrict the access of their own children, should personally oversee their use of the Internet and other forms of electronic information. Minors who visit the library without a parent or guardian are responsible for their own decisions and behaviors. The Alachua County Library District Code of Conduct applies to the use of all Internet workstations.

ACLD Internet Disclaimer
> Provision of this service does not constitute any endorsement by the Alachua County Library District. The Library shall have no liability for direct, indirect or consequential damages related to the use of information accessed on the Internet from Library equipment. Internet users are reminded that:
> 1. Not all sources on the Internet provide accurate, complete, or current information.
> 2. Individuals are responsible for the decision to choose either filtered or unfiltered Internet access.
> 3. Filtering software does not block all material users might find offensive.
> 4. Public library workstations are not private or secure.

CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS PUBLIC LIBRARY
INTERNET ACCESS POLICY AND GUIDELINES FOR USE OF LIBRARY WORKSTATIONS
Approved by the Board of Trustees, March 19, 2001

Background Philosophy

"The Cleveland Heights-University Heights Public Library is committed to serving its communities as an information resource to support the formal and informal learning requirements and recreational needs of its customers."

The library provides open access to the Internet as an integral part of this mission.

The library provides open access to the Internet as an integral part of this mission. The Internet is a worldwide computer network that provides easy access to a massive body of information. The resources available on the Internet expand the library's information services well beyond traditional collections and electronic resources. In providing community access to the Internet, the Cleveland Heights-University Heights Public Library enhances its existing collection in size and depth, and provides the opportunity for any citizen to utilize the exciting resources on the Internet. Not everyone currently has or can afford access to the Internet in their homes or businesses. The library can "level the playing field" by providing everyone with open access to this valuable information resource. Even those who can afford access may need it only intermittently and may not wish to pay for it on a regular basis. Others know that information can be found there, but prefer to rely on experienced, trained library staff to assist them with their searches.

Intellectual Freedom/Right to Privacy

The same standards of intellectual freedom, privacy and confidentiality endorsed by the Cleveland Heights-University Heights Public Library for traditional resources and services also apply to electronic media, including usage of the Internet.

The library has a policy of open access to all parts of its collections, including access to the Internet, and usage is not restricted by age (supervision is the responsibility of parents, guardians or caregivers). Also, use is not prioritized by information need (everyone's information need is important to him or her), and it is not restricted by residency.

The library seeks to protect the First Amendment rights of its customers and their individual right to privacy. However, Internet users must be sensitive to the fact that workstations are in public areas and, therefore, images on the screen are subject to view by a wide audience.

The workstations owned and operated by the Cleveland Heights-University Heights Public Library will be used for educational, informational and recreational purposes only; they may not be used for unauthorized, illegal or unethical purposes. Customers may not send, receive or display text or graphics that may be construed as obscene under Section 2907.07 of the Ohio Revised Code.

Information Disclaimer

The Internet offers open access to information, ideas and commentary from around the world and a vast array of tools and resources for different age levels and points of view. However, not all sources on the Internet provide information that is accurate, complete, current or legal. The Cleveland Heights-University Heights Public Library does not endorse the viewpoints or vouch for the accuracy of information obtained through the Internet. The library does not monitor and has no control over the information accessed through the Internet and cannot be held responsible for its content. Most definitely, some resources and destinations contain material that some customers will find personally offensive or inappropriate for children.

The library, through its participation in Cleveland Public Library's automation system (CLEVNET) and the Ohio Public Library Information Network (OPLIN), can and does recommend interesting and useful destinations and resources for our customers to explore. These sites, indexed by subject area or source of information, can be found through the "Information Desk" section of the library's home page.

Use of the Internet by Children

The library's "Kids' Page," known as Potamus Place, is designed by library staff to bring together those sites believed to be useful to young children, but as with all library materials, parents, guardians and caregivers are responsible for their children's use of the Internet. Library staff do not control the Websites that children may select on the Internet. Parents/guardians are strongly encouraged to work with their children to develop acceptable rules of Internet use. Parents/guardians and children are also encouraged to read Child Safety On the Information Highway, jointly produced by the National Center for Missing and Exploited Children and the Interactive Services Association. This publication is available as a pamphlet in the library and as a link under the "Grown-Up Stuff" section of the library's Potamus Place. Teen Safety on the Internet is found as a link with this Internet Access Policy. Use of the Internet by juveniles is governed by Ohio Revised Code Sections 2907.31 and 2907.01 (E) available at information desks in all our buildings and on the Web.

Effective June 1, 2001, the Board of Library Trustees has chosen to install on selected Internet workstations in the children's areas of our buildings software designed to filter sexually explicit content. The Board recognizes that such filtering software is far from perfect; it does allow some inappropriate content to pass through and can block appropriate sites from view. The Board also believes that having filtered workstations available presents parents with a choice for their children not possible with either all workstations filtered or with no filters at all.

It is the parent or guardian who sets family standards and values and, therefore, the library cannot usurp that right nor assume that responsibility. The Internet, since it should be no different than TV and movies, books and magazines, is a marvelous opportunity for parents/guardians to hold discussions with their children about their family's standards. We strongly recommend that parents/guardians work with their children when they are using the Internet.

Printing

The library currently provides free printing at its workstations and CLEVNET terminals. For this free service to continue, customers are asked to use good judgment in conserving paper and library printing supplies. As usage increases, this policy will be re-evaluated.

Downloading

Customers may download information from the Internet to their own diskettes or to their own e-mail accounts. Diskettes may be purchased at the Circulation Desks of all our buildings. Users should not expect library staff to do this for them nor to know the specifics of how particular e-mail accounts work. Under no circumstances may a user download or save anything to the hard drive of any library workstation or to a network drive.

Use of the Workstations

The library does not limit the number of individuals using a single workstation because we recognize that group work can be a valuable learning experience. However, if a group creates a disturbance to the effective use of the library by others, they will be asked to correct their behaviors, disband, and/or leave the building as appropriate.

Although some Internet workstations in our buildings may be scheduled in advance for two-hour periods, most workstations are available on a first-come basis. The number of these workstations accessing the Internet is limited so we ask customers to be considerate of others. Time on the Internet is limited to 30 minutes when others are waiting.

A few workstations in each building are configured only for text-based access to the library's online catalog and electronic databases. They are clearly marked. No graphical access to the Internet is provided on these workstations.

Customers should notify library staff immediately if they experience any problems with the equipment or software.

Under no circumstances may customers use their personal software or equipment on the library's workstations or network.

Instruction

Providing instruction in how to use and evaluate informational resources is part of the library's role. This is certainly true with the Internet, although for the library staff, as with their customers, traveling the Internet is a new and exciting experience.

Staff will devote a reasonable amount of time assisting individual library users with the Internet where needed. They cannot devote large amounts of time to each customer because staff scheduled for floor duty are handling many information requests from many individuals.

Regular programs, demonstrations and hands-on sessions on the use of the Internet are provided by the library staff. One-on-one sessions may be scheduled at any of our branches. Please ask us for more information.

Electronic Mail

Because of the difficulties and costs involved for storage (memory) and electronic security, the Cleveland Heights-University Heights Public Library does not provide e-mail accounts for the public.

Copyright

Materials obtained or copied on the Internet may be subject to laws that govern making reproductions of copyrighted works. A work protected by copyright may not be copied without permission of the copyright owner unless the proposed use falls within the definition of "Fair Use." Customers are responsible for compliance with all international, national and state laws governing copyrighted materials.

Indemnification

Through the library's Website, we provide links to specific sites selected by staff because of their useful content. These follow the same selection policies in place for other informational

and/or recreational resources provided by the library. However, all Internet resources may contain material of a controversial nature. Our customers choose which electronic materials and sites they access on the Internet. The library cannot protect them from information that might be

considered offensive or inaccurate. It remains the responsibility of the user–or the user's parent, guardian, or caregiver in the case of minors–to determine what is appropriate.

Because the customer is the selector in using the Internet by making individual choices and decisions, customers shall comply with all age restrictions governing access to specific sites, as limited by the content provider, to usage by persons 18 or 21 years of age or older.
Some commercial databases on the Internet require a fee. These fees are the responsibility of the customer; they are not the responsibility of the library.

In no event shall the Cleveland Heights-University Heights Public Library have any liability for lost profits or for any direct or indirect special, punitive, or consequential damages, or any liability to any third party, even if the library is advised of the possibility of such damages, arising from use of its connection to the Internet.

Misuse of the electronic resources of the library, or of Internet access, shall result in the loss of computer privileges for the customer.

This Internet Access Policy will be reviewed by the Board of Library Trustees at least yearly at its regular meeting in March.

The purpose of this Internet Access Policy is to insure the best use of and access to the Internet for the greatest number of our customers. This policy is subject to change as our experience with this service grows.